

REMARKS

Claims 1, 3, 5-9, 11, 13-17, 19 and 21-24 are pending in the application.

Claims 1, 3, 5-9, 11, 13-17, 19 and 21-24 have been rejected.

Claims 1, 5-6, 9, 13-14, 17, and 21-23 have been amended.

Claims 25-30 have been added to define additional protectable subject matter.

Objection to Claim 17

Claim 17 was objected to because of typographical errors. The objection to claim 17 is moot in view of the present claim amendments to claim 17 removing the portions containing the typographical errors.

Rejection of Claims under 35 U.S.C. § 112

Claims 1, 3, 5-9, 11, 13-17, 19 and 21-24 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse this rejection in light of the following remarks and present claim amendments.

In the present Office Action, each of the independent claims 1, 9, and 17, and corresponding dependent claims have been rejected under 35 U.S.C. § 112, ¶ 1, because of the Examiner's perception that the Applicants have failed to disclose in the specification "second request" or "second price quote" related subject matter recited in the claims. In the present claim amendments to each of the independent claims 1, 9, and 17, the subject matter related to the "second request" and "second price quote" has been cancelled. Therefore, the rejection of independent claims 1, 9, and 17, and their

corresponding dependent claims 3, 5-8, 11, 13-16, 19, and 21-24, under 35 U.S.C. § 112, first paragraph, is moot in view of the present claim amendments.

Despite the mootness of the rejection under section 112, first paragraph, Applicants respectfully disagree with the Examiner's conclusion of lack of written description support for the "second request" and "second price quote" related matter recited in the prior version of the independent claims 1, 9, and 17. These independent claims have been amended herein just to expedite prosecution of the present application without protracted arguments regarding written description support. Even though the Applicants have used an alternative basis for distinguishing the currently amended set of claims from the cited prior art, Applicants neither agree with the Examiner's position as to lack of written description support nor do they waive their right to re-introduce the "second request" and "second price quote" related material in the claims in future and to provide additional arguments in support of their position when necessary.

Rejection of Claims under 35 U.S.C. § 103

Claims 1, 3, 5-9, 11, 13-17, 19 and 21-24 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent Publication No. 2002/0069094 issued to Bingham, et al., ("Bingham") in view of U.S. Patent Publication No. 2003/0204474 issued to Capek, et al., ("Capek") and further in view of Luxor Hotel and Casino, Las Vegas ("Luxor"). Applicants respectfully traverse this rejection in view of the following remarks and present claim amendments.

In order for a claim to be rendered invalid under 35 U.S.C. §103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in

the art at the time the invention was made. *See* 35 U.S.C. §103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

As discussed hereinbelow, neither Bingham nor Capek or Luxor, either alone or in combination, teaches or suggests all the claim limitations recited in the amended independent claims 1, 9, and 17.

Bingham relates to a system and method for reserving resources for a meeting, wherein a meeting package having multiple meeting facility resources such as hotel guest rooms, meeting rooms, or food or beverage service is defined for a meeting facility. After a user requests a meeting package, each resource of the meeting package is reserved for the user. A customer profile associated with the user may be used to determine the price of the meeting package or its component resources. The meeting package may be defined or reserved based on various meeting facility criteria input by the user, real-time facility inventory data, or facility reservation rules.

Capek, on the other hand, relates to a method for scheduling an event or meeting consisting of a plurality of persons by optimizing one or more variables. The requests for a meeting are pooled and a selected variable is optimized and an event is scheduled based on the optimized variable. As additional meeting requests are pooled which conflict with the initial optimized event, the selected variable is again optimized and the event is dynamically rescheduled based on the optimized variable.

Luxor relates to providing different price quotes for different dates. Applicants assert that neither Bingham nor Capek or Luxor, either alone or in combination, teach or suggest a method recited in the amended independent claim 1, wherein the method comprises, in relevant part, “receiving a request for a function space...; determining an availability of the requested function space...; and automatically providing a real-time price quote for the requested function space based on the set of pricing rules even when it is determined that the requested function space satisfying the one or more of the plurality of criteria is unavailable.” (Emphasis added.) The present claim amendments find support in the specification of the present application. For example, in paragraph [0030] in the specification, it is taught that a price quote may be determined even where the requested function space is unavailable to establish an optioned reservation. In paragraph [0036] in the specification, additional exemplary discussion of category space-based reservation mechanism is provided to illustrate how a reservation request for an unavailable function space can be accommodated.

Applicants assert that none of the cited references—Bingham, Capek, or Luxor—teaches or suggests all the claim limitations recited in the amended independent claim 1 either alone or in combination. Therefore, amended claim 1 is patentable over Bingham in view of Capek and Luxor. The pending claims 3 and 5-8 are also patentable over Bingham in view of Capek and Luxor at least based on their dependence on the allowable independent claim 1. Therefore, reconsideration and allowance of claims 1, 3, and 5-8 is respectfully requested.

In the present response, the independent claims 9 and 17 have been amended to contain at least the limitations similar to those recited above with respect to claim 1.

Therefore, the arguments in favor of patentability of claim 1 over the combination of Bingham, Capek, and Luxor equally apply to the patentability of amended independent claims 9 and 17. Hence, claims 9 and 17, as well as their corresponding dependent claims 11, 13-16, 19 and 21-24, are allowable over the combination of Bingham, Capek, and Luxor. Reconsideration and allowance of the same is therefore respectfully requested.

New Claims 25-30

The present response adds new dependent claims 25-30. The added claims 25-27 correspond to the previously cancelled claims 2, 10, and 18. On the other hand, added claims 28-30 depend from the allowable independent claim 1 and recite additional protectable subject matter. Applicants assert that no new matter is added through the present claim additions, and that the subject matter recited in the added claims 25-30 finds support throughout the specification of the present application.

Because each of the added claims 25-30 depends from a corresponding allowable independent claim 1, 9, or 17, Applicants assert that the added dependent claims 25-30 are allowable over the combination of Bingham, Capek, and Luxor at least based on their dependence on corresponding allowable independent claims. Therefore, favorable consideration and allowance of claims 25-30 is respectfully requested.

Miscellaneous Comments

Claims 5-6, 13-14, and 21-23 have been amended to provide proper claim dependence and antecedent support as can be evident from the claim amendments. Claim 22 has been amended further to recite additional protectable subject matter similar

to that recited in claims 6 and 14. As before, Applicants assert that no new subject matter is added to the specification through the present claim amendments and additions.

Applicants further assert that Applicants' act of responding to this Office Action should not be construed as Applicants' agreement with the Examiner's proffered reasons for rejecting the pending claims or the propriety and validity of combination of various cited documents. Applicants do not waive their right to provide additional arguments in support of their position when necessary.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5093.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,



Eric A. Stephenson
Attorney for Applicants
Reg. No. 38,321
Telephone: (512) 439-5093
Facsimile: (512) 439-5099